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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 13, 2015
Land Use Action Date: January 27, 2015
Board of Aldermen Action Date: February 2, 2015
90-Day Expiration Date: April 6, 2015

DATE: January 9, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #443-14**, T. ANDREWS HINTERMAN, LDA ARCHITECTS/TIRA KHAN & DAN WINSTON, for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to construct an approximately 148 square foot kitchen, pantry, and mudroom addition, which will increase the Floor Area Ratio from .50 to .53, where .44 is the maximum allowed by right, at **89 Erie Avenue**, Ward 6, Newton Highlands, on land known as SBL 52, 42, 20, containing approx. 6,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



89 Erie Avenue

EXECUTIVE SUMMARY

The property at 89 Erie Avenue consists of a 6,500 square foot lot in a Single Residence 2 zoning district, improved with a single-family residence originally constructed in 1899 and a detached garage. The existing structure is nonconforming in regards to the side setback and the Floor Area Ratio ("FAR"). The petitioner is proposing to construct a 148 square foot addition and a deck on the rear of the existing structure, which will increase the FAR from .50 to .53, where .44 is the maximum allowed by right. The petitioner is seeking a special permit to extend the nonconforming side setback and the nonconforming FAR. The City's Senior Preservation Planner found the existing structure to be historically significant, but approved a waiver of the demolition delay based on the petitioner's proposed plans (**ATTACHMENT A**).

The proposed one-story addition will allow the petitioner to enlarge the existing kitchen area and create a new mudroom on the first floor, and will also provide additional useable space in the basement. The proposed addition will not be visible from the public way, and will be partially screened from abutting properties by an existing, approximately six-foot sight-obscuring fence that encloses the rear yard.

Due to the size and location of the proposed addition, the existing screening around the property lines, and the similar rear additions within the neighborhood, the Planning Department believes that the proposed addition fits within the context of the neighborhood. The Planning Department has no particular concerns with this petition and notes that the *Newton Comprehensive Plan*, adopted in 2007, encourages residential property owners to consider modest additions to older homes in order to preserve the existing structure, while allowing them to meet the needs of today's families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15(u)(2))
- The proposed addition is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))
- The specific site is an appropriate location for the proposed addition. (§30-24(d)(1))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Erie Avenue between Hartford Street and Woodward Street in Newton Highlands. The land uses in the surrounding neighborhood are a mixture of single-family and multi-family dwellings (**ATTACHMENT B**), and the zoning districts in the surrounding neighborhood are a mixture of Single Residence 2 and Multi Residence 1 districts (**ATTACHMENT C**). The subject property is zoned Single Residence 2.

B. Site

The site consists of a narrow 6,500 square foot lot, improved with a 2½-story, single-family dwelling and a detached garage. The existing structure has a nonconforming side setback of 3.6 feet along the eastern property line. The rear yard is surrounded by a sight obscuring wood fence. There is some vegetation along the property lines that provides partial screening of the site.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site will remain a single-family dwelling.

B. Building and Site Design

The petitioner is proposing to construct a one-story addition and new deck at the rear of the existing dwelling. The proposed addition will allow the petitioner to expand their existing kitchen area and add a new mudroom on the first floor, and also build out additional useable space in the basement. The materials on the exterior of the proposed addition will generally match the materials of the existing structure. The petitioner is also making several other minor changes to the site, including widening the driveway at the front of the detached garage, removing the existing shed, and adding a small patio at the base of the new deck.

The proposed addition will increase the floor area on the first floor by approximately 148 square feet, but will not increase the floor area in the basement for purposes of the FAR calculation. The total floor area of the structure will increase from 3,298 square feet to 3,446 square feet (including the detached garage), thereby increasing the FAR from .50 to .53, where .44 is allowed by right. The proposed addition will maintain the setback of the main structure, which is seven feet from the side property line, and the proposed deck will maintain the setback of the areaway to the basement, which is 3.6 feet from the side property line.

The Planning Department believes that the proposed addition is consistent with the

context of the neighborhood and is not in derogation of the size, scale and design of other structures, as many of the surrounding structures have similar additions in the rear. Furthermore, the proposed addition will not be visible from the public way and will only be partially visible from abutting properties due to existing fencing. As such, the Planning Department does not believe that the proposed addition, which is a very modest increase in bulk and mass, will be substantially more detrimental to the neighborhood than the existing structure.

C. Landscape Screening

The petitioner is not proposing to make any changes to the landscaping on the site. The Planning Department does not believe any landscape screening is necessary, as the rear yard is screened by an existing sight-obscuring fence.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-15(u)(2), §30-15 Table A, §30-21(b), to extend the nonconforming FAR.
- §30-21(b), §30-15 Table A, to extend a nonconforming side setback.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4%, no engineering review is required.

C. Historic Review

The City's Senior Preservation Planner reviewed the project on August 20, 2014, and approved the project based on the design and materials of the new addition. No demolition delay was applied to the project.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Record of Action, dated August 20, 2014

Attachment B: Land Use Map

Attachment C: Zoning Map

Attachment D: Zoning Review Memorandum



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Candace Havens
Director

REQUEST FOR DEMOLITION REVIEW

DATE RECEIVED: 8/4/14

PROJECT #: 14080108

PROJECT ADDRESS: 89 ERIE AVENUE

PROJECT INFORMATION

TYPE OF DEMOLITION: PARTIAL ** TOTAL

(** "Partial" demolition of a structure is the alteration or removal of over 50% of any single exterior wall surface or roof structure. Each is calculated by square footage.)

STRUCTURE TO BE DEMOLISHED (Check all that apply):

HOUSE GARAGE SHED NON-RESIDENTIAL BUILDING OTHER

IF OTHER, PLEASE DESCRIBE: _____

WHAT YEAR WAS THE STRUCTURE BUILT: 1899

IS THE STRUCTURE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES? YES NO

DESCRIPTION OF THE DEMOLITION REQUEST BELOW (Briefly describe the project):

Remove existing windows, doors, and wall finish on rear of home to prepare for new addition.

IF KNOWN, BRIEFLY DESCRIBE THE KNOWN HISTORY OF THE PROPERTY:

THE REVIEW APPLICATION SHOULD INCLUDE THE FOLLOWING INFORMATION

REQUIRED DOCUMENTATION:

____ PHOTOGRAPHS OF THE AFFECTED STRUCTURE FROM THE FRONT, REAR, AND SIDES AND STREET.

____ ASSESSOR'S MAP SHOWING PROPERTY LOCATION

____ BUILDING ELEVATION PLANS 11" X 17" OR SMALLER (**FOR PARTIAL DEMOLITIONS ONLY**).

SUGGESTED DOCUMENTS:

____ BUILDING ELEVATION PLANS OR SKETCHES 11" X 17" OR SMALLER

____ BUILDING PRODUCT/MATERIAL INFORMATION

____ SITE PLAN

____ PHOTOS OF NEIGHBORHOOD

APPLICATION AUTHORIZATION

PROPERTY OWNER:

TIRA KHAN

(Print name)

Tira Khan

(Signature name)

8/4/14

(Date)

(All plans **MUST** be dated, drawn to scale, and clearly labeled. An inaccurate or incomplete application will **NOT** be accepted. Please review the reverse of this form for additional information.)

NOTE: This Application MUST be accompanied by a General Permit Application.



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Director

Newton Historical Commission Demolition Review Decision

Date: 8/20/2014 Zoning & Dev. Review Project# 14080108

Address of structure: 89 Erie Avenue

Type of building : House

If partial demolition, feature to be demolished is rear and side, portions

The building or structure:

- is is not in a National Register or local historic district not visible from a public way.
- is is not on the National Register or eligible for listing.
- is is not importantly associated with historic person(s), events, or architectural or social history
- is is not historically or architecturally important for period, style, architect, builder, or context.
- is is not located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires
Newton Historical Commission review (See below).

Final review of plans required. _____

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

is in effect until _____

has been waived - see attached for conditions

Determination made by:

Preserving the Past



Planning for the Future

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.




Land Use Map

89 Erie Ave

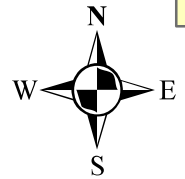
*City of Newton,
Massachusetts*

Legend

Land Use

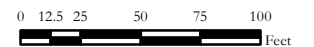
-  Single Family Residential
-  Multi-Family Residential
-  Commercial

ATTACHMENT B

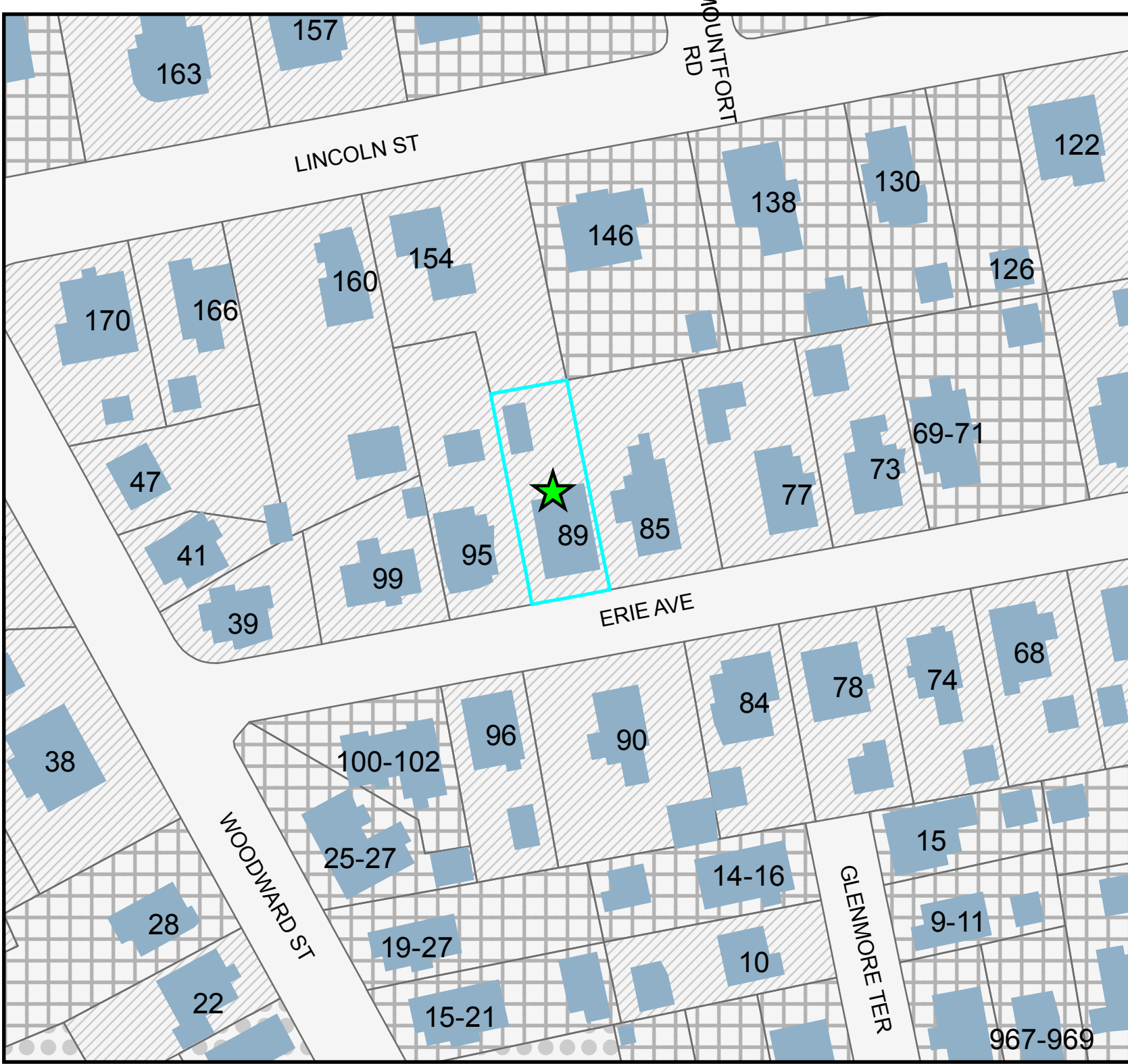


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: December 16, 2014



Zoning Map 89 Erie Ave

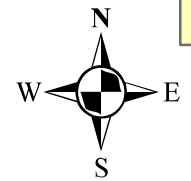
*City of Newton,
Massachusetts*

Legend

Zoning

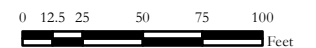
- Single Residence 2
- Multi-Residence 1
- Business 2

ATTACHMENT C

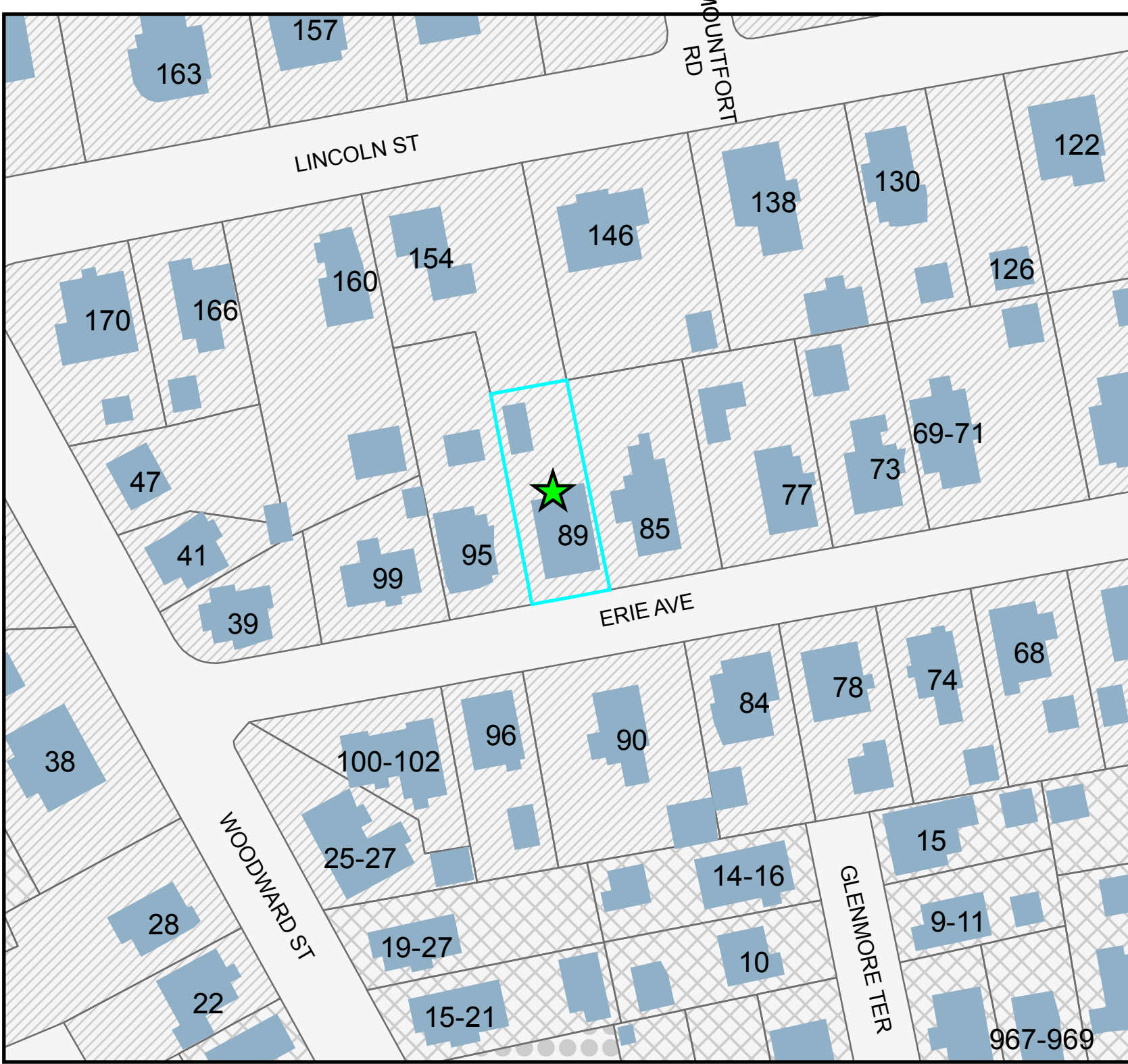


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CITY OF NEWTON, MASSACHUSETTS
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Map Date: December 23, 2014





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ATTACHMENT D

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: November 10, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: T. Andrew Hinterman, Architect
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase already nonconforming FAR and to extend a nonconforming structure

Applicant: T. Andrew Hinterman	
Site: 89 Erie Avenue	SBL: 52042 0020
Zoning: SR-2	Lot Area: 6,500 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 89 Erie Avenue consists of a 6,500 square foot lot improved with a single-family residence constructed in 1899 with a detached garage built in 1916. The structure consists of two and a half stories and a basement. The applicant proposes to construct a 148 square foot kitchen, pantry and mudroom addition to the rear of the existing dwelling increasing the FAR from .50 to .53, which exceeds the .44 maximum allowed by right. A new deck is proposed for the rear of the dwelling, which maintains the existing nonconforming side setback of 3.6 feet but extending further to the rear of the lot.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Andrew Hinterman, AIA, architect, submitted 9/19/2014
- FAR Worksheet, prepared by Andrew Hinterman, architect, submitted 9/19/2014
- Plan of Land, signed and stamped by Justin D. Maloney, surveyor, dated 9/23/2014
- Architectural Plans, prepared by LDA Architecture & Interiors, architects, dated 9/23/2014
 - Ground floor plan - proposed
 - North elevation – proposed
 - East elevation – proposed

- o West elevation - proposed
- o FAR calculations, prepared by Andrew Hinterman, architect, dated 9/24/2014

ADMINISTRATIVE DETERMINATIONS:

1. The proposed kitchen addition increases the structure’s nonconforming FAR from .50, to .53, which exceeds the .44 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and Section 30-21(b).

2. The dwelling has an existing nonconforming side setback of 3.6 feet, where 7.5 feet is required. The proposed deck maintains this existing side setback, and further increases the nonconformity by extending the nonconforming setback 10 feet further to the rear of the lot. A special permit per Section 30-21(b) is required to further extend the nonconforming side setback.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	6,500 square feet	No change
Frontage	80 feet	50 feet	No change
Setbacks			
• Front	25 feet	16 feet	No change
• Side	7.5 feet	3.6 feet	No change
• Rear	15 feet	61.7 feet	48.9 feet
FAR	.44	.50	.53
Max Lot Coverage	30%	26.4%	28.5%
Min. Open Space	50%	60%	51.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table A, 30-21(b)	To extend a nonconforming side setback	S.P. per §30-24